

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

APPLICATION: CAV A/106/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, AUGUST 07, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
Feroz Khan	Jason Huether HDS Dwell Inc 20 Gilmour Rd Puslinch ON, CANADA N0B 2J0	485 Rebecca St PLAN 622 LOT 1

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2**

**ZONING: RL2-0
DISTRICT: West**

APPLICATION:

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of a two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 1,022.00 m ² and 1,114.99 m ² shall be 37%.	To increase the maximum residential floor area ratio to 39.84%.
2	<i>Section 6.4.2 (Row RL2, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 27.28%.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering.)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on August 07, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated.

CAV A/106/2024 - 485 Rebecca St (West District) (OP Designation: Low Density Residential)

The applicant is proposing to construct a two-storey detached dwelling, subject to the variances listed above.

Site Area and Context

The subject property is located in a neighbourhood that is in transition. The neighbourhood consists of original one-storey, one-half-storey, and two-storey detached dwellings, as well as newer two-storey detached dwellings. Newer two-storey dwellings in the surrounding area consist of a variety of architectural forms, many of which include one-storey architectural elements that assist in breaking up the massing.



Aerial Photo – 485 Rebecca Street



Front Elevation – 485 Rebecca Street

The applicant has provided information on the requested variances and notes that the lot coverage variance is related to the rear yard covered porch. Staff review minor variances holistically and the lot coverage in this instance is tied to the dwelling as a whole and not assigned to one particular element.

Based on a site visit of the surrounding neighbourhood, staff note that there are other properties in the surrounding area with similar variances and various architectural styles that maintain and contribute to the established neighbourhood character.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met.

Staff's comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Low Density Residential by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The proposal complies with Livable Oakville.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 – Residential Floor Area (No Objection) – increased from 37% to 39.84%

Variance #2 – Lot Coverage (No Objection) – increased from 25% to 27.28%

The intent of the Zoning By-law provision for regulating the maximum residential floor area is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area. The intent of the Zoning By-law provision for regulating the maximum permitted lot coverage is to ensure a dwelling's mass and scale does not appear larger than

those in the surrounding area and to mitigate any potential grading and drainage impacts from decreased permeability. The overall massing and scale for the proposed dwelling is mitigated through the articulation of the façade and one-storey architectural elements. Staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the proposal represents appropriate development of the subject property. The variances are cumulatively minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Note: While Staff are not objecting to the proposed variance the applicant is encouraged to explore opportunities to reduce the rear covered porch area through the building permit process and maintain the substantial soft landscaped area in the rear and side yards.

Recommendation:

Staff do not object to the proposed variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated 06.11.24; and
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

Fire: No Concerns for Fire.

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received

Metrolinx: No Comments received

Halton Region:

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton’s four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit an increase to the maximum residential floor area ratio and an increase to the maximum lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey detached dwelling on the Subject Property.
- *General ROP Policy:* The Region’s Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as ‘Urban Area’ and are located within the Built Boundary overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

Note: The following standard comments apply to all applications. Any additional application specific comments are as shown below.

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments/authorities (e.g. Engineering and Construction, Building, Conservation Halton etc.) should any proposed work be carried out on the property.

- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
 - Building in general accordance with the submitted site plan and elevation drawings is required to ensure what is requested and ultimately approved, is built on site. This provides assurance and transparency through the process, noting the documents that are submitted with the application, provide the actual planning, neighbourhood and site basis for the request for the variances, and then the plans to be reviewed through the building permit and construction processes.
 - A two (2) year timeframe allows the owner to obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-changing neighbourhoods, policies and regulations which might then dictate a different result. Furthermore, if a building permit is not obtained within this timeframe, a new application would be required and subject to the neighbourhood notice circulation, public comments, applicable policies and regulations at that time.

Requested conditions from circulated agencies:

- 1 The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated 06.11.24; and
- 2 That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.



Jennifer Ulcar
Secretary-Treasurer